

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL KELLY, on behalf of himself :
and all others similarly situated :
 :
v. : CIVIL ACTION NO. 15-6668
 :
BUSINESS INFORMATION GROUP, :
INC. :

ORDER

AND NOW, this 22nd day of June, 2017, following upon consideration of the briefs concerning pending motions (Docs. 60-61, 66-67, 70-71), **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Dismiss Amended Complaint (Doc. 60) is **DENIED** for the reasons set forth in the Court's Memorandum Opinion filed this date; and
2. Defendant's Motion to Strike Class Allegations (Doc. 61) is **DENIED**.¹

IT IS FURTHER ORDERED THAT a telephone conference to re-establish a scheduling order in this case will be held on Wednesday, July 12, 2017 at 4:00 p.m. Plaintiff's counsel shall initiate the call and dial in chambers (267-299-7790) when all parties are on the line. Counsel shall submit to chambers a joint proposed scheduling order in advance of the conference.

BY THE COURT:

/s/ David R. Strawbridge USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

¹ In light of our ruling that Plaintiff's individual claim survives, there is no basis for Defendant to assert that Plaintiff cannot serve as a representative of a class potentially certified to pursue a claim under 15 U.S.C. § 1681k. We find that Defendant's challenges to the viability under Rule 23 of the proposed classes defined in the Amended Complaint are premature, as Plaintiff has not yet conducted discovery and filed a certification motion.